

REMARKS

This is responsive to the Office Action mailed February 7, 2006. In the Office Action, claims 1-27, 31, 32 were rejected. Claims 31 and 32 have been cancelled. Upon entry of the amendments, claims 1-27 will remain pending. Reconsideration in light of the following remarks is respectfully requested.

Claim Objections

Claims 10-13, 19, 23, and 24 were objected to due to certain informalities. Claims 10-13, 19, and 24 have been amended to correct these issues. Applicants did not observe the antecedent issue with respect to claim 23 and request the Examiner to remove the claim objections for claim 23, along with amended claims 10-13, 19 and 24.

Rejections under 35 U.S.C. § 112

Claims 1-27 were rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants respectfully traverse the rejection.

The Examiner, on page 2 of the Office Action, stated that:

Claim 1 lacks sufficient structure to have both receiving and un-impeding detector structures.

Applicants respectfully submit that the claim is believed to satisfy the requirements of 35 U.S.C. § 112, second paragraph, which states that:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

MPEP, section 2173.02 further states:

The test for definiteness under 35 U.S.C. 112, second paragraph, is whether **"those skilled in the art would understand what is claimed when the claim is read in light of the specification."** (Emphasis added). MPEP, 2173.02, citing *Ortho Kinetics, Inc. v. Safety Travel Charis, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986).

* * *

The same section also states that:

In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. *Id.*

In the present case, regarding claim 1, Applicants respectfully submit that the public will be on notice that an imaging system will infringe the claim if it includes (1) one or more distributed X-ray sources or the one or more X-ray detectors (1) that are displaceable transversely and (3) one or more X-ray detectors (4) that are stationary to allow an unimpeded path for the radiation beam to illuminate the desired portion of the imaging volume and for the X-ray detector to receive the radiation beam. The role of the claim is to apprise the public with the claimed subject matter, and claim 1 is believed to satisfy this requirement.

Therefore, Applicants respectfully submit that claim1 satisfies 35 U.S.C. § 112 requirements and therefore is allowable. The same argument applies to all of the independent claims 10-13, 22, 23, 24, and 25.

The Examiner stated with respect to claim 25 that:

Claim 25 fails to distinctly claim the correct combination of detectors that remain stationary. Claim 25 contains a limitation that one or more detectors are displaced, yet are later included in a limitation for stationary detectors.

Applicants respectfully submit that claim 25 recites a method of scanning a volume to be imaged where some detectors could be stationary and some could be movable. Again, the claim recitations are believed to clearly advise the public what is protected.

Applicants therefore request withdrawal of 35 U.S.C. § 112 rejections of claims 1-27, and request their allowance.

Rejections Under 35 U.S.C. § 102

Claims 31 and 32 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Sohval (U.S. Patent No. 4,958,365) and Vincent (U.S. Patent No. 5,195,112) respectively. Claims 31 and 32 have been cancelled by this Response. The rejection is therefore now moot.

Summary

In view of the foregoing, Applicants respectfully submit that the application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are respectfully requested. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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29
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